

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: July 3, 2025

RE: Agricultural Land Commission Referral (Subdivision) – Electoral Area “C” (C2025.012-ALC)

Administrative Recommendation:

THAT the RDOS Board “authorize” the application to subdivide the parcel located at 8856 Highway 97 (Plan KAP1982B, District Lot 3473, SDYD) to proceed to the Agricultural Land Commission.

Purpose: To facilitate a three-lot subdivision

Civic: 8856 Highway 97

Legal: Plan KAP1982B, District Lot 3473, SDYD

Folio: C-07170.000

Zone: Agriculture One (AG1), Resource Area (RA)

Proposed Development:

An application has been submitted to the Agricultural Land Commission (ALC) under Section 21(2) of the *Agricultural Land Commission Act* (the Act), and referred to the Regional District, in order to permit a subdivision to occur within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to allow for the subdivision of the property within ALR into three lots. Proposed lots 1 and 2 are approximately 11.725 ha in area each, while proposed lot 3 is approximately 1.93 ha.

In support of this proposal, the applicant has stated that:

The proposed subdivision will increase agricultural productivity by giving the two Kennedy families title to that portion of the subject property that each family has been farming since 2011. This will lead to more efficient and timely decision making and allow each family to invest their capital and labor in agricultural infrastructure on land that they own.

Strategic Priorities:

Operational

Statutory Requirements:

Under Section 34.1(2) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

Under Section 25(3) of the Act, formal “authorization” by the Regional District Board is only required for applications that apply to land that is zoned by bylaw to permit farm use, or requires an amendment to an official community plan or a zoning bylaw.

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use” and an amendment to the Electoral Area “C” Official Community Plan and Zoning Bylaw will be required for development to proceed.

Site Context:

The subject property is approximately 25.3 ha in area and is situated on the west side of Highway 97, approximately 6 km from the Town of Oliver. It is understood that the parcel is comprised of a Single Detached Dwelling, agricultural production and various accessory structures.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels that have been developed with single detached dwellings and agricultural production.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 03, 1924, while BC Assessment has classified the property as part “Residential” (Class 01), and part “Farm” (Class 09).

Available Regional District records indicate building permits for a cabin (1975 & 1979), removal of a cabin (1975 & 1979), and various accessory buildings (2015, 2019 & 2019).

Official Community Plan:

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated part Agriculture (AG) and part Resource Area (RA).

An objective of the AG designation is “to preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area”, while an objective of the RA designation is to “to maintain rural character and compatibility”.

The parcel is subject to a Watercourse Development Permit Area (WDP) designation, while the southern portion of the property is the subject of Protection of Farming Development Permit Area (PFDP) and Environmentally Sensitive Development Permit Area (ESDP) designations.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned part Agriculture One (AG1), which establishes a minimum parcel size for subdivision of 4.0 ha, and part Resource Area (RA), which establishes a minimum parcel size for subdivision of 20.0 ha.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Vaseux Lake.

Application History:

The property is within the Agricultural Land Reserve (ALR) and has been the subject of multiple previous ALC applications and decisions.

In 2006, a 3-lot subdivision application (application #36800-0) was submitted to the ALC to allow for the creation of a 2ha homesite lot as well as two additional parcels measuring 16.5ha and 9.5 ha in area.

In this decision, the ALC found that “the subdivision proposed under this application would be considered to have met the intent of the *Homesite Severance Policy* (if it applied)”.

In 2018, the ALC refused a two lot subdivision of the subject property that included parcels measuring 11.7ha and 14.7 ha in area on the basis that “that large parcels are more conducive to a wider range of agricultural options” and “retaining the Property in its current size would ensure the Property’s availability for a wide range of agricultural uses in the future” (Resolution #56/2018).

Analysis:

In considering this proposal, Administration considers there to be two distinct components; a subdivision to create two new “agricultural” parcels, each of which will exceed 11.0 ha in area. The second component is the proposed creation of an approximately 1.97 ha “Homesite Severance” parcel in accordance with the Agricultural Land Commission’s (ALC) policy on such subdivisions.

Accordingly, each of these components of the referral will be assessed under separate sub-sections.

“Agricultural” Parcels:

In considering the proposed creation of two (2) “agricultural” parcels, each exceeding 11.0 ha in area, Administration notes that this is generally consistent with the Electoral Area “C” OCP Bylaw, which generally encourages “a range of parcel sizes for farming operations to allow for larger (greater than 10 hectares) and smaller (4 hectares) agricultural operations.”

It is further consistent with the zoning bylaw and the minimum parcel size requirement of 4.0 ha for parcels that have been zoned AG1.

Conversely, Administration recognizes that the subject property likely has greater agricultural viability as a single unit (as per the ALC’s 2018 decision), and that the applicant’s stated reasons for subdivision appear to be unrelated to agricultural use and more akin to resolving underlying land ownership arrangements.

Further to this, the OCP does speak to supporting “the consolidation of legal parcels that support more efficient agricultural operations” and to discouraging the further fragmentation of farmland.

“Homesite Severance” Parcel:

It has been a long-standing policy of the Regional District to support “Homesite Severance” subdivisions approved by the ALC by providing exemptions from minimum parcel size and servicing requirements at the time of subdivision.

This is in support of the ALC’s “Homesite Severance” Policy, which has, since 1978, allowed retiring farmers to request the subdivision of their house from an agricultural property, thereby allowing them the ability to stay in their home while also providing a measure of financial retirement security (e.g. through the disposal of the farm).

To qualify for a “Homesite Severance”, a farmer must have owned their parcel prior to December 21, 1972, and, in this instance, it appears that the subject property is currently in corporate ownership, with the most recent transfer in ownership having occurred in 2011.

Hooked Parcel:

The proposed 1.9 ha Lot 3 of the three-lot subdivision includes a hooked parcel separated by a right of way, and is subject to the Okanagan Valley Zoning Bylaw No. 2800, 2022. The creation of a hooked parcel in terms of Homesite severance Policy may require Board's approval in the future.

For these reasons, it is not clear to Administration that this proposal qualifies for consideration as a "Homesite Severance". However, it is recognized that compliance is, rightfully, a determination that is best left to the ALC to resolve.

Conversely, Administration recognizes that the "Homesite Severance" Policy is discretionary and not an entitlement and the option to not support this aspect of the proposal is available to the Board.

As an aside, and with regard to the split-zoning of the proposed "Homesite Severance" parcel, Administration considers this to be either a drafting error, or a reflection of a previous parcel line layout that has never been updated to reflect the current configuration of the subject parcel.

Summary:

In summary, the proposed development is generally consistent with many OCP and Zoning Bylaw regulations.

For these reasons, Administration is recommending that the RDOS Board "authorize" the application to proceed to Agricultural Land Commission.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

No communication strategy is proposed as the Regional District has been referred this application by the Agricultural Land Commission (ALC), and the Commission is seeking the Regional District's input on compliance with applicable land use bylaws. Administration considers any communication required in relation to this proposal to be within the purview and responsibility of the ALC.

Alternatives:

1. THAT the RDOS Board not "authorize" the application to facilitate a three-lot subdivision on the parcel located at 8856 Highway 97 (Plan KAP1982B, District Lot 3473, SDYD) to proceed to the Agricultural Land Commission.

Will a PowerPoint presentation be presented at the meeting? No

Respectfully submitted:

Endorsed By:

Endorsed By:

Tharini Prakash



Tharini Prakash
Planning Technician

C. Garrish
Senior Manager of Planning

A. Fillion
Managing Director, Dev. & Infrastructure

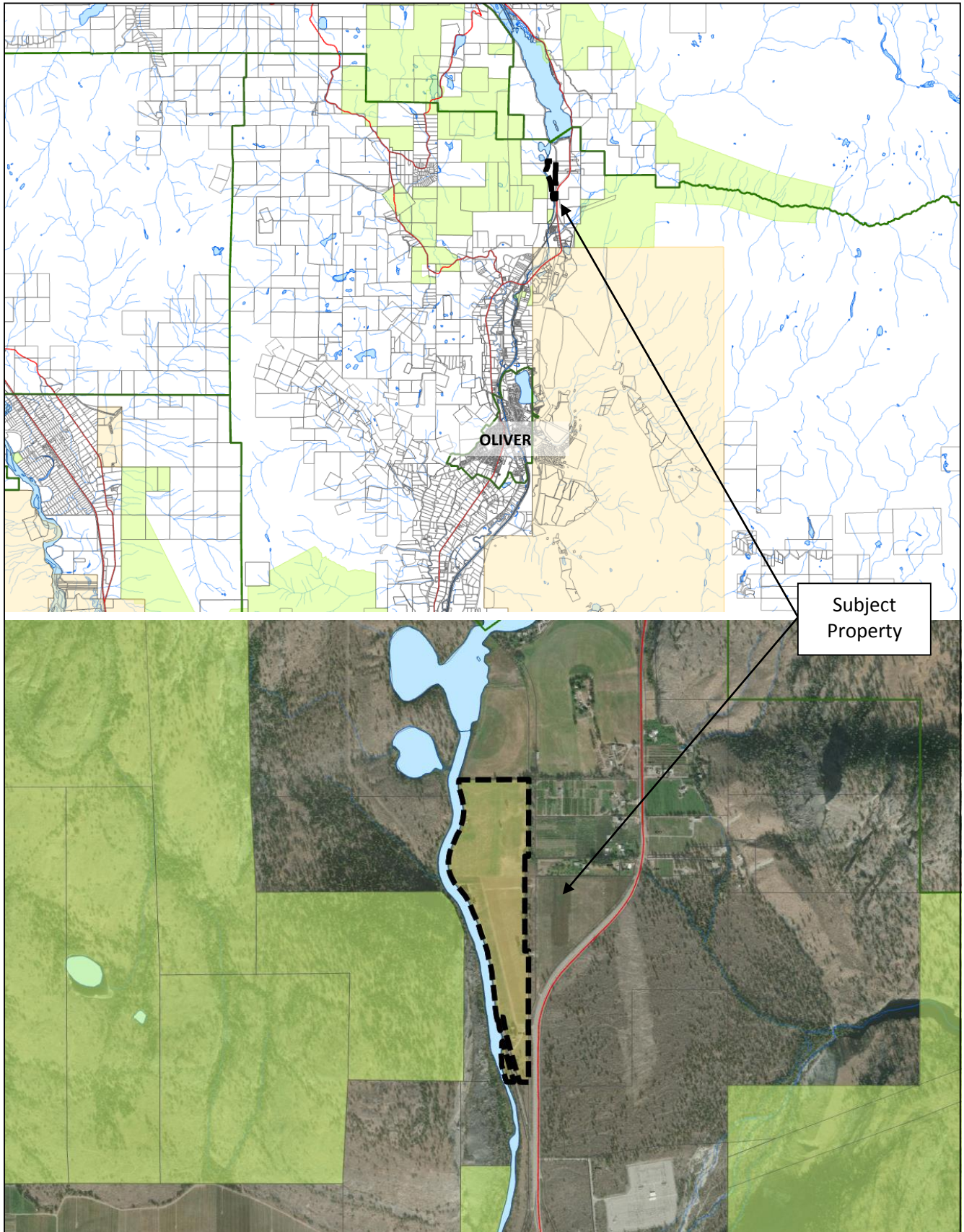
Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan

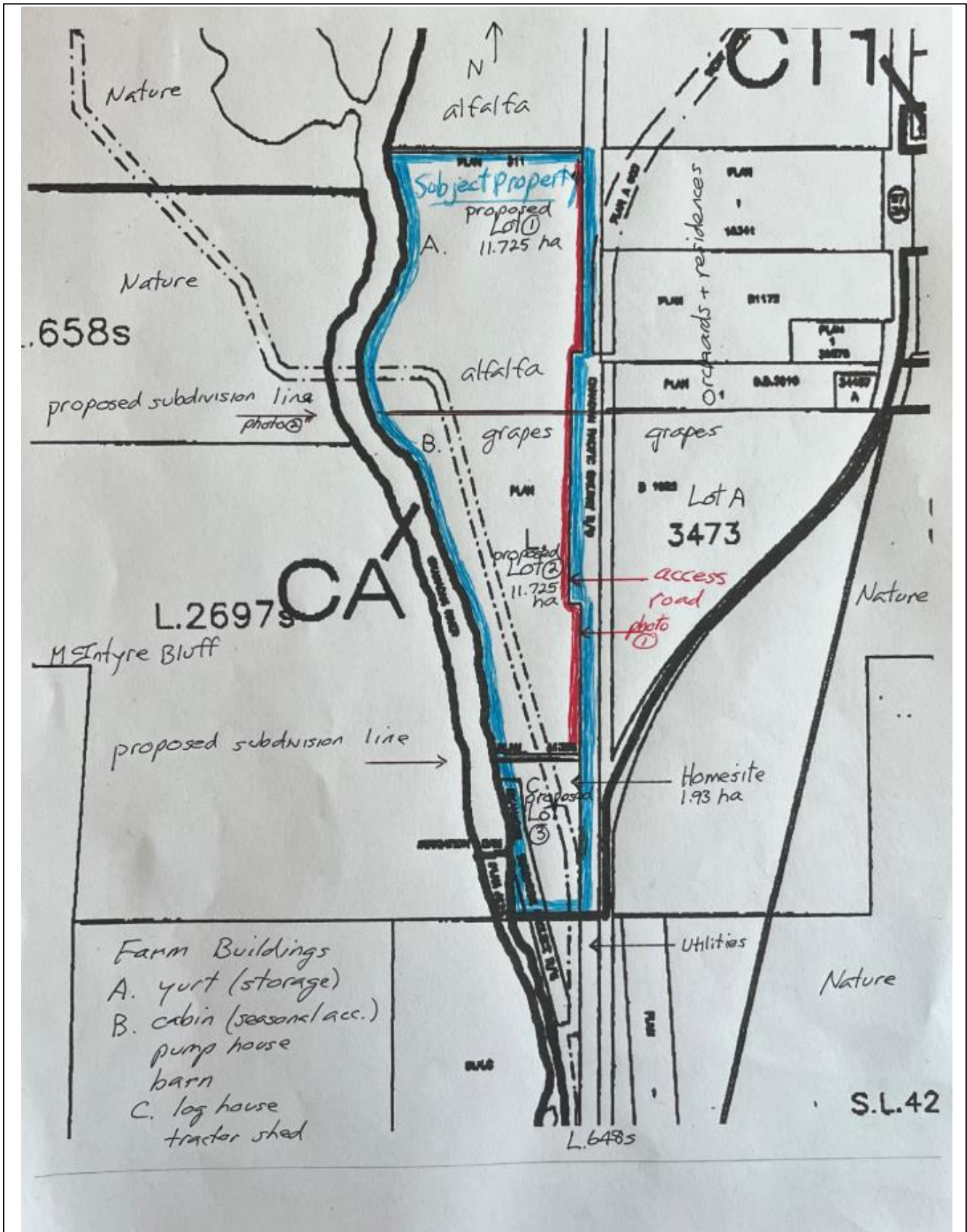
No. 3 – Site Photo

No. 4 – Aerial Photo (2007)

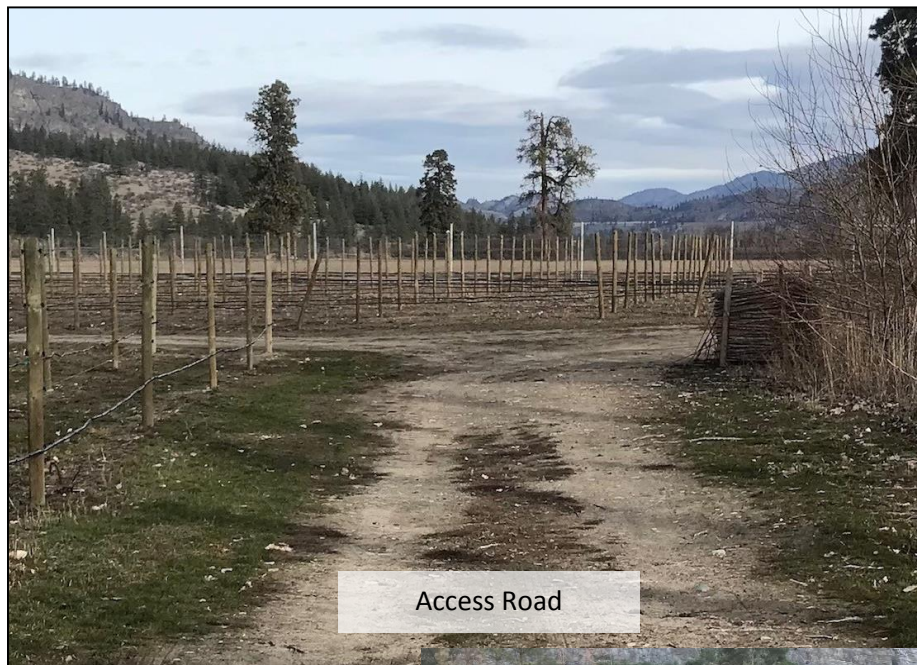
Attachment No. 1 – Context Maps



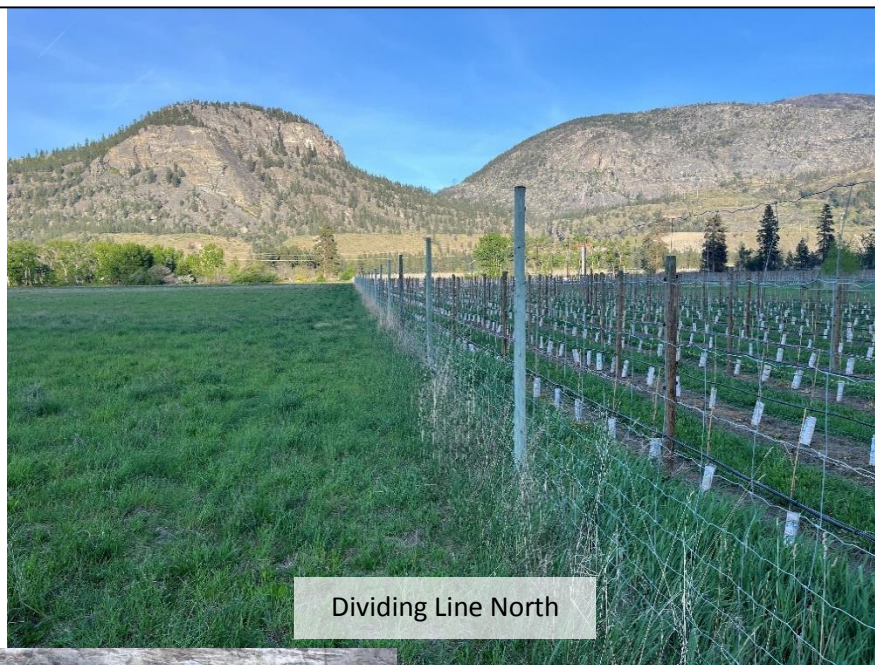
Attachment No. 2 – Applicant's Subdivision Plan



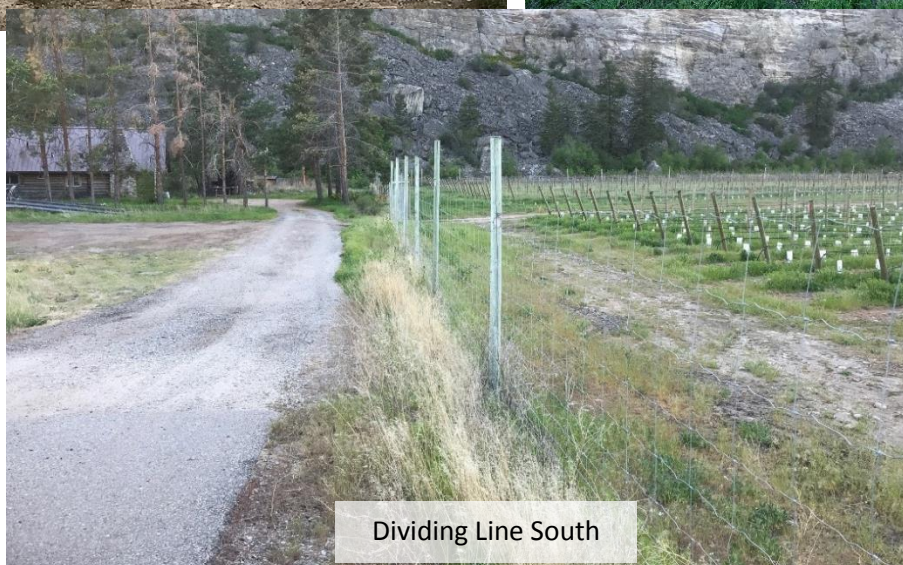
Attachment No. 3 – Site Photo



Access Road



Dividing Line North



Dividing Line South

Attachment No. 4 – Aerial Photo (2007)

